

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

v.

**MELVIN BELL III
AKA “TREY BELL III”
AKA “NEJIN BELL”**

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CASE NUMBER 1:21-CR-00114-MAC

**REPORT AND RECOMMENDATION ON
THE DEFENDANT’S COMPETENCY TO STAND TRIAL**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas, this criminal proceeding is before the undersigned United States magistrate judge.

On January 28, 2022, the Defendant filed a motion seeking a psychiatric or psychological exam to determine if the Defendant was suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and the court granted that motion on January 31, 2022. (Doc. Nos. 12, 13.) The Defendant was subsequently evaluated by Kasey Odell, Pay.D., H.S.P.P., Licensed Psychologist at the Englewood Federal Detention Center in Littleton, Colorado, and found competent.

Dr. Odell’s psychiatric report concludes that the Defendant “is not currently suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense.” (Doc. No. 19.)

A competency hearing was conducted on June 27, 2022. At the hearing, the Defendant appeared in court with his counsel, Marcus Wilkerson. Mr. Wilkerson did not present any objections to Dr. Odell's opinion on competency. Neither the Government nor the defense objected to the psychological report's results and findings.

The undersigned concludes that the Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense. The Defendant has a rational and factual understanding of the proceeding against him, and has sufficient present ability to consult with his attorney with a reasonable degree of rational understanding. 18 U.S.C. § 4241(d); *see also Dusky v. United States*, 362 U.S. 402 (1960)

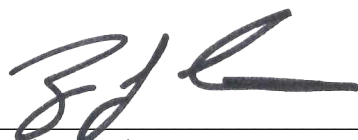
RECOMMENDATION

The court should find the Defendant competent to stand trial because he understands the nature and consequences of the proceeding against him and is able to assist in his defense. *See* 18 U.S.C. § 4241. It is further recommended that the speedy trial time be excluded from January 28, 2022 (the date the Defendant filed an Unopposed Motion for Psychiatric Exam), until the date on which the District Judge signs the order adopting this report and recommendation.

OBJECTIONS

At the close of the competency hearing, the Defendant, defense counsel, and counsel for the government each verbally waived the right to object to the proposed findings and recommendations contained in this report. Therefore, the court may act on this report and recommendation immediately.

SIGNED this 28th day of June, 2022.



Zack Hawthorn
United States Magistrate Judge